



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Valley Regional Office

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

*Street address:* 4411 Early Road, Harrisonburg, Virginia 22801  
*Mailing address:* P.O. Box 3000, Harrisonburg, Virginia 22801-9519  
Telephone (540) 574-7800 Fax (540) 574-7878  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Robert G. Burnley  
Director

R. Bradley Chewning, P.E.  
Valley Regional Director

August 31, 2005

Mr. Greg Odell  
State Manager  
Aqua Virginia, Inc.  
P.O. Box 6906  
2246 Dabney Road, Suite L  
Richmond, Virginia 23230

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**Re: VWP Individual Permit Number 95-0176  
Lake Monticello Water Withdrawal, Fluvanna County, Virginia  
Final VWP Individual Permit**

Dear Mr. Odell:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulation 9 VAC 25-210-10 et seq., § 401 of the Clean Water Act Amendments of 1977, and Public Law 95-217, the Department of Environmental Quality (DEQ) has enclosed the original VWP individual permit for continuing the withdrawal of water from the Rivanna River for the Lake Monticello Subdivision in Fluvanna County, Virginia.

This permit is valid for 15 years from the date of issuance. No re-issuance or extension of the permit may occur, as the permit term cannot exceed the maximum of 15 years.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 calendar days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.


Alternatively, any owner under §§62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action the board has taken without a formal hearing, or by inaction of the board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in the board's Procedural Rule Number 1 (9 VAC 25-230-130 B). In cases

Mr. Greg Odell  
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involving actions of the board, such petition must be filed within 30 calendar days after notice of such action is sent to such owner by certified mail.

If you have any questions, please contact Raymond Gay, Jr. either by e-mail at [regay@deq.virginia.gov](mailto:regay@deq.virginia.gov) or by phone at 540-574-7898.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry M. Simmons".

Larry Simmons, P.E.  
Deputy Regional Director

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions,  
Permit Attachment A

cc: Nora Iseli, U.S. Army Corps of Engineers-Central Virginia Field Office  
✓ WP File 95-0176



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

VWP Individual Permit Number 95-0176

Effective Date: September 1, 2005

Expiration Date: August 31, 2020

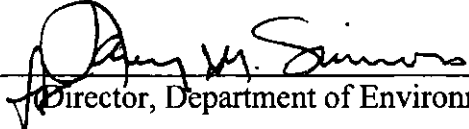
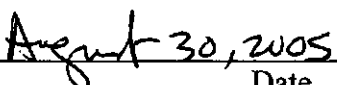
### VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1251 et seq.) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

**Permittee:** Aqua Virginia, Inc.  
**Address:** P.O. Box 6906, 2246 Dabney Road, Suite L, Richmond, Virginia 23230  
**Activity Location:** Rivanna River at Lake Monticello Subdivision off of Route 618 in Fluvanna County, Virginia

**Activity Description:** Continued operation of a surface water withdrawal from the Rivanna River by Aqua Virginia, Inc. at the Lake Monticello Subdivision in Fluvanna County, Virginia. The withdrawal shall not exceed a maximum daily withdrawal volume of 2.576 million gallons, or a maximum instantaneous withdrawal rate of 2,683 gallons per minute, or a maximum annual withdrawal volume of 400 million gallons.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

  
\_\_\_\_\_  
Director, Department of Environmental Quality  
  
  
\_\_\_\_\_  
Date

## Part I – Special Conditions

### A. Authorized Activities

This permit authorizes the continued operation of a surface water withdrawal from the Rivanna River by Aqua Virginia, Inc at the Lake Monticello Subdivision in Fluvanna County, Virginia. The withdrawal shall not exceed a maximum daily withdrawal volume of 2.576 million gallons, or a maximum instantaneous withdrawal rate of 2,683 gallons per minute, or a maximum annual withdrawal volume of 400 million gallons.

### B. Permit Term

This permit is valid for 15 years. The permittee shall notify DEQ in writing at least 120 calendar days prior to the expiration of this permit if additional authorization of water withdrawal activity is required.

### C. Project Conditions

1. Water withdrawal rates and volumes shall comply with the limits set forth in Part I.A.
2. The permittee shall maintain a flow meter to record the volume of water withdrawn each day. Said meter shall be read and the volume of water withdrawn recorded on a daily basis at or about the same time each day.
3. The permittee shall monitor the Rivanna River flow at the Palmyra gage on a daily basis. Whenever the Palmyra gage is recording a daily streamflow of 300 cubic feet per second (cfs) or less the permittee shall withdraw the volume of water required for that day at a constant rate over a period of time not shorter than 12 hours.
4. Water withdrawals shall be reported to DEQ, Valley Regional Office, P.O. Box 3000, Harrisonburg, Virginia 22801, by January 31st of the each year (covering the previous calendar year), as required under State Water Control Board (SWCB) Water Withdrawal Reporting Regulation (9 VAC 25-200 et seq.). The annual monitoring report shall contain the following information: the permittee's name and address, the sources and locations of water withdrawal, the cumulative volume of water withdrawn each month of the calendar year, the maximum day withdrawal and the month in which it occurred, and the method of withdrawal measurement. In addition the above reports shall contain the date and time of recording, name of person recording the measurement or reading, volume of water withdrawn, the hours the pumps were withdrawing water and the streamflow of the Rivanna River at the Palmyra gage. For permittees subject to the Virginia Department of Health (VDH) Waterworks Regulations, the annual reports to DEQ may include, as an alternative, the source and location of water withdrawals, the type of use for the water withdrawn, and reference to the reports filed with VDH that contain the monthly withdrawal data.
5. Violations of any permit condition shall be reported to DEQ, Valley Regional Office, P.O. Box 3000, Harrisonburg, Virginia 22801 by the permittee within one week of discovery.

## Part I – Special Conditions

### A. Authorized Activities

This permit authorizes the continued operation of a surface water withdrawal from the Rivanna River by Aqua Virginia, Inc at the Lake Monticello Subdivision in Fluvanna County, Virginia. The withdrawal shall not exceed a maximum daily withdrawal volume of 2.576 million gallons, or a maximum instantaneous withdrawal rate of 2,683 gallons per minute, or a maximum annual withdrawal volume of 400 million gallons.

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5. Violations of any permit condition shall be reported to DEQ, Valley Regional Office, P.O. Box 3000, Harrisonburg, Virginia 22801 by the permittee within one week of discovery.

6. Water withdrawal monitoring and reporting activities shall comply with this section, Part I.C, and Part II. All records and information that result from the monitoring and reporting activities required by this permit, including any records of maintenance activities to the withdrawal system, shall be retained for the life of the permit. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or as requested by the State Water Control Board.
7. In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the Middle James Drought Evaluation Region of Amherst, Nelson, Albemarle, Appomattox, Buckingham, Fluvanna, Prince Edward, Cumberland, Goochland, Amelia, Powhatan, Chesterfield, Henrico, and Hanover Counties and the Cities and/or Towns of Lynchburg, Hopewell, and Colonial Heights, the permittee shall implement the mandatory conservation measures, as detailed in Attachment A of this permit. The permittee shall be responsible for determining when drought emergencies are declared. DEQ may require documentation that mandatory conservation measures were implemented during declared drought emergencies.
8. The existing intake screens will be updated to meet screen design guidelines, as dictated by the Virginia Department of Game and Inland Fisheries, should the need arise to enter the river for major repairs or renovations to the existing intake.
9. The permittee shall develop and implement a maintenance program to properly clean and maintain the screens to prevent clogging, and reduce the potential for entrainment and impingement of organisms, as well as increased intake velocities.

## **Part II – General Conditions**

### **A. Duty to Comply**

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

### **B. Duty to Cease or Confine Activity**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

### **C. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

### **D. VWP Permit Action**

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

### **E. Inspection and Entry**

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;

2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

**F. Duty to Provide Information**

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

**G. Monitoring and Records Requirements**

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
  - a. The date, exact place and time of sampling or measurements;
  - b. The name of the individuals who performed the sampling or measurements;
  - c. The date and time the analyses were performed;
  - d. The name of the individuals who performed the analyses;
  - e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
  - f. The results of such analyses; and
  - g. Chain of custody documentation.



2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

#### **F. Duty to Provide Information**

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
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  - a. The date, exact place and time of sampling or measurements;
  - b. The name of the individuals who performed the sampling or measurements;
  - c. The date and time the analyses were performed;
  - d. The name of the individuals who performed the analyses;
  - e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
  - f. The results of such analyses; and
  - g. Chain of custody documentation.

**H. Transferability**

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

**I. Property rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

**J. Reopener**

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

**K. Compliance with State and Federal Law**

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

**L. Severability**

The provisions of this VWP permit are severable.

**M. Permit Modification**

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

**N. Permit Termination**

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and

**M. Permit Modification**

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
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3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and

6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

#### **O. Civil and Criminal Liability**

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

#### **P. Oil and Hazardous Substance Liability**

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

#### **Q. Unauthorized Discharge of Pollutants**

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses;
4. On or after October 1, 2001 conduct the following activities in a wetland:
  - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
  - b. Filling or dumping;
  - c. Permanent flooding or impounding;
  - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

#### **R. Permit Extension**

Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.

**Attachment A**  
**VWP Individual Permit Number 95-0176**

In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the Middle James Drought Evaluation Region of Amherst, Nelson, Albemarle, Appomattox, Buckingham, Fluvanna, Prince Edward, Cumberland, Goochland, Amelia, Powhatan, Chesterfield, Henrico, and Hanover Counties and the Cities and/or Towns of Lynchburg, Hopewell, and Colonial Heights, the permittee shall implement the mandatory conservation measures, as detailed below.

The following non-essential water uses will be prohibited during periods of declared drought emergencies. Please note the exceptions that follow each prohibited use. These prohibitions and exceptions will apply to uses from all sources of water and will only be effective when the Governor of Virginia or the Virginia Drought coordinator declares a Drought Emergency. Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials, *provided that best management practices are applied to assure the minimum amount of water is utilized.*

**1. *Unrestricted irrigation of lawns is prohibited.***

- Newly sodded and seeded areas may be irrigated to establish cover on bare ground at the minimum rate necessary for no more than a period of 60 days. Irrigation rates may not exceed one inch of applied water in any 7-day period.
- Gardens, bedding plants, trees, shrubs and other landscape materials may be watered with hand held containers, hand held hoses equipped with an automatic shutoff device, sprinklers or other automated watering devices at the minimum rate necessary but in no case more frequently than twice per week. Irrigation should not occur during the heat of the day.
- All allowed lawn irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation systems may be tested after installation, routine maintenance or repair for no more than ten minutes per zone.

**2. *Unrestricted irrigation of athletic fields is prohibited.***

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.

**Attachment A**  
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**2. *Unrestricted irrigation of athletic fields is prohibited.***

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- Localized dry areas that show signs of drought stress and wilt (curled leaves, foot-printing, purpling) may be syringed by the application of water for a cumulative time not to exceed fifteen minutes during any twenty four hour period. Syringing may be accomplished with an automated irrigation system or with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
  - Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period. Syringing is permitted during signs of drought stress and wilt (curled leaves, foot-printing, purpling).
  - All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
  - Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.
  - Water may be used for the daily maintenance of pitching mounds, home plate areas and base areas with the use of hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary.
  - Skinned infield areas may utilize water to control dust and improve playing surface conditions utilizing hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to official game time.
3. ***Washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios is prohibited.***
- Driveways and roadways may be pre-washed in preparation for recoating and sealing.
  - Tennis courts composed of clay or similar materials may be wetted by means of a hand-held hose equipped with an automatic shutoff device at the minimum rate necessary for maintenance. Automatic wetting systems may be used between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
  - Public eating and drinking areas may be washed using the minimum amount of water required to assure sanitation and public health.
  - Water may be used at the minimum rate necessary to maintain effective dust control during the construction of highways and roads.



**4. *Use of water for washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats is prohibited.***

- Mobile equipment may be washed using hand held containers or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
- Construction, emergency or public transportation vehicles may be washed as necessary to preserve the proper functioning and safe operation of the vehicle.
- Mobile equipment may be washed at car washes that utilize reclaimed water as part of the wash process or reduce water consumption by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile dealers may wash cars that are in inventory no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Automobile rental agencies may wash cars no more than once per week utilizing hand held containers and hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.
- Marine engines may be flushed with water for a period that does not exceed 5 minutes after each use.

**5. *Use of water for the operation of ornamental fountains, artificial waterfalls, misting machines, and reflecting pools is prohibited.***

- Fountains and other means of aeration necessary to support aquatic life are permitted.

**6. *Use of water to fill and top off outdoor swimming pools is prohibited.***

- Newly built or repaired pools may be filled to protect their structural integrity.

**4. *Use of water for washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats is prohibited.***

- Mobile equipment may be washed using hand held containers or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
- Construction, emergency or public transportation vehicles may be washed as necessary to preserve the proper functioning and safe operation of the vehicle.
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- Fountains and other means of aeration necessary to support aquatic life are permitted.

**6. *Use of water to fill and top off outdoor swimming pools is prohibited.***

- Newly built or repaired pools may be filled to protect their structural integrity.

- Outdoor pools operated by commercial ventures, community associations, recreation associations, and similar institutions open to the public may be refilled as long as:
    - a. Levels are maintained at mid-skimmer depth or lower;
    - b. Any visible leaks are immediately repaired;
    - c. Backwashing occurs only when necessary to assure proper filter operation;
    - d. Deck areas are washed no more than once per calendar month (except where chemical spills or other health hazards occur);
    - e. All water features (other than slides) that increase losses due to evaporation are eliminated; and
    - f. Slides are turned off when the pool is not in operation.
  - Swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or topped off.
  - Indoor pools may be filled or topped off.
  - Residential swimming pools may be filled only to protect structural integrity, public welfare, safety and health and may not be filled to allow the continued operation of such pools.
7. *Water may be served in restaurants, clubs, or eating-places only at the request of customers.*

**Virginia Water Protection Individual Permit Authorization Issuance Fact Sheet**

**Department of Environmental Quality – Valley Regional Office**

**P.O. Box 3000**

**Harrisonburg, Virginia 22801**

**SUBJECT:** Re-Issuance of Virginia Water Protection Individual Permit Number 95-0176, Aqua Virginia, Inc., Rivanna River Water Withdrawal at Lake Monticello Subdivision

**TO:** Larry Simmons, P.E.  
Deputy Regional Director

**FROM:** Raymond Gay, Jr.  
Regional VWPP Project Manager  
Valley Regional Office  
P.O. Box 3000  
Harrisonburg, Virginia 22801

**DATE:** August 19, 2005

DEQ has reviewed the application for re-issuance under the Virginia Water Protection (VWP) Individual Permit Number 95-0176 and has determined that the project qualifies for an individual permit. Based on the information provided in the application, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1251 et seq.) and the State Water Control Law and regulations, DEQ has determined that there is a reasonable assurance that the proposed activity subject to this permit will protect instream beneficial uses; will not violate applicable water quality standards; and will not cause or contribute to significant impairment of state waters or fish and wildlife resources, provided the permittee complies with all permit conditions.

Surface water impacts have been avoided and minimized to the maximum extent practicable.

The following details the application review process and summarizes relevant information for developing the Part I - Special Conditions.

**1. Contact Information:**

**Permittee Legal Name and Address:**

Aqua Virginia, Inc.  
Attn: Greg Odell  
P.O. Box 6906  
2246 Dabney Road  
Suite L  
Richmond, Virginia 23230

**Owner Legal Name and Address (if different from Permittee):**

NA

**Agent Legal Name and Address (if applicable):**

Aqua Virginia, Inc.

Attn: Gary Austin, Area Manager

**2. Processing Dates:**

Received Application: July 1, 2005

Permit Application Fee Deposited by DEQ: July 5, 2005

Application Complete: July 5, 2005

Processing Deadline (120 days from Complete Application): November 5, 2005

Letter(s) sent to Local Government: June 22, 2005

Letters sent to VDH, VDGIF, VDCR, VMRC: June 22, 2005

Draft Permit Package Mailed: July 1, 2005

Copy of Public Notice sent to DEQ Central Office: July 1, 2005

Copy of Public Notice sent to Admin, Board, Planning (as applicable): July 1, 2005

Public Notice Published: July 14, 2005

Received Verification of Publication: July 26, 2004

End of 30-Calendar Day Public Comment Period: August 13, 2005

Public Hearing (if applicable): NA

**3. Project Location:**

City/County: Fluvanna County

Waterbody: Rivanna River

Basin: James River

Subbasin: Middle James River

HUC: 020802004

Section: 10m

Class: III

Special Standards: PWS

**4. Project Description:**

The permittee proposes to continue operating a surface water withdrawal from the Rivanna River at the Lake Monticello Subdivision off of Route 618 in Fluvanna County.

**5. Project Impacts:**

The proposed water withdrawal activity shall not exceed a maximum daily withdrawal volume of 2.576 million gallons; shall not exceed a maximum instantaneous withdrawal rate of 2,683 gallons per minute; and shall not exceed a maximum annual withdrawal volume of 400 million gallons.

6. Avoidance and Minimization Efforts:

NA

7. Compensation for Unavoidable Impacts:

NA

8. Site Inspection:

No site inspection was performed.

9. Riparian Landowner Notification:

No riparian landowner notification was required.

10. Relevant Regulatory Agency Comments:

As part of the application review process, DEQ contacted the appropriate state regulatory agencies. Any relevant agency comments were addressed in the VWP individual permit Part I - Special Conditions. Therefore, the staff anticipates no adverse effect on water quality and fish and wildlife resources provided the applicant adheres to the permit conditions.

Summary of State Agency Comments and Actions

The following state agencies were contacted on June 22, 2005, Virginia Department of Game and Inland Fisheries, Virginia Department of Conservation and Recreation, Virginia Marine Resources Commission, and Virginia Department of Health. Comments and associated responses are presented below.

DGIF (August 3, 2005)

*...To minimize adverse impacts upon anadromous fish due to impingement and entrainment of eggs and larvae, we typically recommend that water intakes be designed with a screen mesh of 1mm and an intake velocity of 0.25 fps. We request information on the current intake design. If not currently so, we would prefer to see this intake modified to meet our recommendations. We understand that this may not be possible if the permit renewal does not involve instream work. However, we request that a special condition be added to the permit stating that, "Should the need arise to enter the stream for major repairs or renovations, the intake screens will be updated to meet the 1 mm mesh and 0.25 fps intake guidelines." In addition, a special condition should specify that the screens be designed to ensure that the sweeping velocity in front of the screen is sufficient to move fish past it.*

*In addition, if not already included, we recommend the following as standard conditions for this permit renewal: 1) The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses (instream and offstream) are*

*minimized. Beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, aquatic life, and recreation. 2) The permittee shall develop and implement a maintenance program to properly clean and maintain the screens to prevent clogging, and reduce the potential for entrainment and impingement of organisms, as well as increased intake velocities. 3) In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in the Rivanna or James River watersheds, the permittee shall implement mandatory water conservation measures.*

*If this project does involve instream work, we recommend additional coordination to address potential adverse impacts upon anadromous fish, the Atlantic pigtoe, and other wildlife resources.*

**The following special conditions were included to address DGIF's comments:**

Part C No. 8. The existing intake screens will be updated to meet screen design guidelines, as dictated by the Virginia Department of Game and Inland Fisheries, should the need arise to enter the river for major repairs or renovations to the existing intake.

Part C No. 9. The permittee shall develop and implement a maintenance program to properly clean and maintain the screens to prevent clogging, and reduce the potential for entrainment and impingement of organisms, as well as increased intake velocities.

DCR (July 12, 2005)

*...In order to balance the instream uses and off stream uses of the intake project, DCR has determined that re-issuance of the permit will have no impact on recreational use of the river. Unless the permit is for increasing the withdrawal rates, there is no comment.*

VMRC

No comments received to date.

VDH (August 3, 2005)

*...The Lake Monticello Service Company waterworks operates under Virginia Department of Health Waterworks Operation Permit Number 2065480 with an effective date of October 20, 2004. This permit contains a design capacity of 1.38 MGD. This operating permit references the existing VWP conditions of a maximum annual withdrawal of 400 million gallons (condition H on Part I, Page 1 of 2).*

*Although the water treatment plant produced an average of 832,000 gpd during June 2005, Lake Monticello is an expanding development adding new housing units monthly. The demographics have changed from an originally predominant retirement community to the current character of working families, many commuting to Charlottesville. Additionally, service is being provided to development outside of the lake community. This office currently has plans under review for a 111 unit subdivision and 82,000 square feet of commercial space that will connect to the Lake Monticello waterworks.*

*The VWP Permit withdrawal restriction of a maximum annual withdrawal of 400 million gallons is an average of 1.096 MGD, which is less than the currently permitted waterworks design capacity. We are concerned that the 400 million gallon annual withdrawal restriction will be insufficient over the life of the proposed VWP permit. We recommend revising the annual withdrawal to take into account the current and future expansions expected during this permit cycle.*

The applicant responded to comments from VDH via e-mail on August 8, 2005. The applicant requested that the permit withdrawal amount not be revised. In addition, the applicant recognizes the possibility of needing to modify the permit in the future; however, the applicant is not prepared to make those requests with this reissuance. Therefore, no permit conditions will be used to address concerns raised by VDH.

**11. Changes in Permit Part I - Special Conditions Due to Public Comments:**

The public notice was published in the Daily Progress on July 14, 2005.

No public comments were received during the public comment period. Therefore, no changes have been made to the permit conditions.

**12. Special Conditions:**

The following special conditions were developed to protect instream beneficial uses, to ensure compliance with applicable water quality standards, and to prevent significant impairment of state waters or fish and wildlife resources.

***Part A Authorized Activities***

Addresses the activities authorized by this permit, including impact types and limits.

***Part B Permit Term***

Addresses the permit term and re-issuance process to ensure that all permit conditions are completed.

***Part C Standard Project Conditions***

No. 1 ensures that minimum instream flow levels will be maintained to protect instream beneficial uses.

No. 2, 3-6 requires monitoring and reporting to protect all beneficial uses.

No. 7 addresses requirements for conservation measures to protect minimum instream flows.

No. 8, 9 addresses comments raised by DGIF, regarding upgrading of intake screen and maintenance activities.



13. General Standard:

This project may result in minimal, temporary impacts to beneficial uses related to the propagation and growth of aquatic life as defined in the General Standard. Provided the permittee abides by the conditions of the permit, no substances shall enter state waters in concentrations, amounts or combinations that would contravene established standards or interfere with beneficial uses or are inimical or harmful to human, animal, plant, or aquatic life.

14. Staff Recommendations:

Based on the review of the permit application, the staff provides the following recommendations.

- The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law and will protect instream beneficial uses.
- The effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to significant impairment of state waters or fish and wildlife resources.
- This permit is proposed to prevent unpermitted activities.

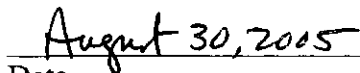
The staff recommends that the Director:

- (1) Find the above recommendations to be appropriate.
- (2) Approve the attached VWP individual permit and conditions.
- (3) Direct the staff to issue VWP Individual Permit Number 95-0176.

Approved:



Deputy Regional Director



Date



U.S. Army Corps of Engineers  
Norfolk District, Western Virginia Regulatory Section  
Central Virginia Field Office  
Rt. 1, Box 48J, Highland on the James  
Howardsville, Virginia 24562

JPH

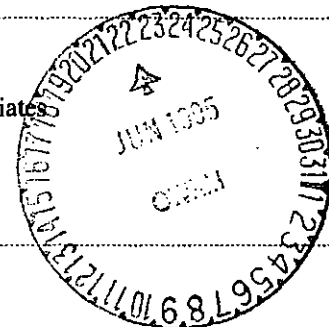
June 16, 1995

Project Number: 95-0176

Waterway: Rivanna River

1. Property Owner:  
Lake Monticello Service Co.  
397 Jefferson Drive West  
Palmyra, VA. 22963

2. Authorized Agent:  
David Saunders  
Gilbert W. Clifford and Associates  
P. O. Box 781  
Fredericksburg, VA. 22401



3. Address of Job Site:  
Water treatment plant off of route 618 in Fluvanna County

#### 4. Project Description:

upgrade and rebuild the water intake facility serving the community at Lake Monticello. The purpose is to provide raw water for treatment and use as potable water. The proposed average daily rate of withdrawal is 1.84 mgd. The existing wetwell and intake will be abandoned and a new pump station wetwell and intake structure will be constructed to the east of the existing access road. The banks of the river at the intake site will be stabilized with riprap on filter fabric.

#### 5. Findings

This is regarding your request to perform work in the waters of the United States, as described in part 4 above.

We appreciate the information you submitted dated June, 1995 which concluded an endangered species survey, in the vicinity of your project, addressing the federally listed James Spiny mussel (*Pleurobema collina*). The results of this survey indicate there will be no adverse impact to the James Spiny mussel nor is there any indication the project would adversely affect habitat within the survey area for this species. Based on this and other information, the proposed activity has been reviewed and found to satisfy the criteria contained in Norfolk District's Abbreviated Standard Permit 92-ASP-18 for activities of minimal environmental consequence. If your project adheres to the proposal which you submitted (drawings enclosed) and the conditions of this permit (Enclosure), no further authorization will be required from this office. If you should decide to change any aspect of your proposal, you must first apply for and be granted a permit modification. Your authorization to perform work under this abbreviated standard permit expires on September 10, 1997. This authorization will be valid until the ASP-18 is modified, reissued, or revoked prior to its expiration. If you are unable to complete the permitted work within this time frame, you must contact the Corps to verify the status of the ASP-18. If the ASP-18 is modified or revoked so that the activity listed above would no longer be authorized and you have commenced or are under contract to commence the work, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of the ASP-18.

You may contact the Virginia Marine Resources Commission at (804) 247-2200 for information concerning State and local permit requirements. In addition, your proposed work may require a Virginia Water Protection Permit from the Virginia Department of Environmental Quality-Water Resources Management. The Department can be reached at P.O. Box 10009 Richmond, Virginia 23240-0009 or at telephone (804) 527-5000. Before you may begin work, you should obtain all required State and local permits.

The party performing the work authorized by this permit will have a copy of this letter and the enclosed documents with them at the project site during construction. These documents will be made available to any Corps representative upon their request.

copies furnished w/out enclosures:

County of Fluvanna

U. S. Fish and Wildlife Service, White Marsh

U. S. National Marine Fisheries Service, Oxford, MD.

U. S. Environmental Protection Agency, Philadelphia, PA.

Virginia Marine Resources Commission, Newport News

Virginia Department of Environmental Quality, Richmond


Virginia Department of Game and Inland Fisheries, Richmond

Virginia Department of Historic Resources, Richmond

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6. Corps Contact: Nora Iseli, phone # (804)263-8247

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J. Robert Hume, III  
Chief, Western Virginia Regulatory Section

NAO FL 13 REVISED DEC 90

AUG 24 1995

**Lake Monticello Service Company**

397 Jefferson Drive West • Palmyra, VA 22963

(804) 589-8264 • Fax (804) 589-3524

August 21, 1995

Norfolk District Corps of Engineers  
Fort Norfolk  
803 Front Street  
Norfolk, VA 23510

ATTN: Permits Section

RE: VWP Permit No. 95-0176

The enclosed original copy of VWP Permit No. 95-0176 is provided in accord with instructions from Martin G. Ferguson, Jr., Director, Office of Water Permit Support, Virginia Department of Environmental Quality.

Sincerely,



Gary L. Ellis  
General Manager

GLE:lb  
Enclosure

cc: Martin G. Ferguson, Jr.  
Gilbert W. Clifford & Associates, Inc.

**MEMORANDUM**

**DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION  
OFFICE OF WATER PERMIT SUPPORT**

**P. O. Box 10009**

**Richmond, VA 23240**

**SUBJECT: ISSUANCE OF VIRGINIA WATER PROTECTION PERMIT NO. 95-0176,  
LAKE MONTICELLO SERVICE COMPANY**

**TO: Peter W. Schmidt, Director  
Department of Environmental Quality**

**FROM:  Martin G. Ferguson, Jr., Director  
Office of Water Permit Support**

**DATE:**

**COPIES: VMRC, COE, Applicant, File**

**Legal Name, Address: Lake Monticello Service Company  
397 Jefferson Drive West  
Palmyra, Virginia 22963**

**Application Submitted by: Mr. Gary Ellis**

**Application Date: Received: February 22, 1994  
Complete: May 24, 1995**

**Type of Project: Domestic water supply for a large  
subdivision in Fluvanna County.**

**Project Location: Water Body: Rivanna River  
Basin: James  
Subbasin: Middle James  
Section: 10m Class: III  
Special Standards: PWS**

**Public Notice: Public Notice was issued on July 3, 1995.  
No response was received.**

**Local Government Approval: Local Government Approval Form received  
April 17, 1995.**

**Permit Fee: Received May 24, 1995.**

Action by the U.S. Army  
Corps of Engineers:

The Corps will either issue an individual permit or a Nationwide Permit #7 which would in any case result in us issuing an individual permit.

Staff Comments:

The project involves replacing an existing intake. The new intake is permitted to withdraw 2683 gallons per minute. The permit limits the average withdrawal to 1.09 million gallons per day. The average flow at the site is 400 mgd and the 1Q30 flow is 10 mgd. The return flow from the largely non consumptive use returns at the waste water treatment plant outfall located 2.6 miles downstream from the intake. The permit contains a conservation condition that requires the applicant to take their daily demand a slower rate during low flow conditions.

Provided the applicant abides by the conditions of the attached permit the staff anticipates no adverse water quality impacts from the proposed project.

Staff Recommendations:

The staff recommends that the Director:

- (1) Approve the attached Virginia Water Protection Permit and conditions.
- (2) Direct the staff to issue VWP Permit Number 95-0176.

Approved: \_\_\_\_\_

*Henry J. Hanson*  
Director

Date: \_\_\_\_\_

8/11/95



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Peter W. Schmidt  
Director

August 14, 1995

P. O. Box 10009  
Richmond, Virginia 23240-0009  
(804) 762-4000

Mr. Gary Ellis  
Lake Monticello Service Company  
South Hill, Virginia 23970

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

RE: VWP Permit No. 95-0176

Dear Mr. Ellis:

In accordance with your application, we have enclosed the original and one copy of the Permit to construct a water supply intake on the Rivanna River, pursuant to the Virginia Water Protection Permit Regulations (VR 680-15-02) and Section 401 of the Clean Water Act Amendments of 1977, Public Law 95-217.

The provisions and conditions contained therein according to Section 401(a)(1) of the Clean Water Act requires that:

"any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge in the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this Act."

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

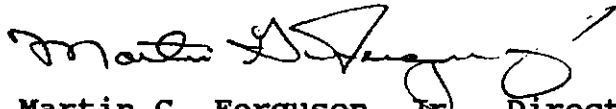
Mr. Gary Ellis  
Page 2

Alternatively, any owner under §§ 62.1-4.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in § 1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

Please retain the copy and forward the original Permit to the Norfolk District, Corps of Engineers, Fort Norfolk, 803 Front Street, Norfolk, Virginia 23510, ATTN: Permits Section.

If you have any questions, please advise us.

Sincerely,



Martin G. Ferguson, Jr., Director  
Office of Water Permit Support

Enclosures

cc: DEQ - OWRM VWPP File  
VMRC - Environmental Division  
U.S. Army Corps of Engineers, Norfolk District





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Peter W. Schmidt  
Director

VWP Permit No. 95-0176  
Effective Date: August 11, 1995  
Expiration Date: August 11, 2005

P. O. Box 10009  
Richmond, Virginia 23240-0009  
(804) 762-4000

### VIRGINIA WATER PROTECTION PERMIT

#### ISSUED PURSUANT TO STATE WATER CONTROL LAW

#### AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner and in compliance with Section 401 of the Clean Water Act as amended (33 USC 1251 et seq) and the State Water Control Law and regulations adopted pursuant thereto, the Department has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards.

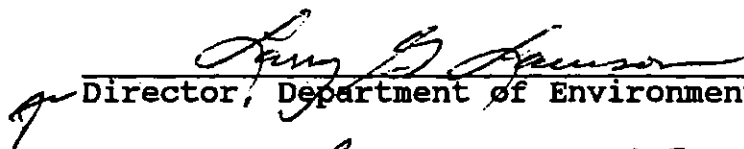
Permittee: Lake Monticello Service Company

Address: 397 Jefferson Drive West  
Palmyra, Virginia 22963

Activity Location: Rivanna River at Lake Monticello Subdivision  
off of Route 618 in Fluvanna County, Virginia.

Activity Description: The replacement, construction and operation  
of a water supply intake structure on the Rivanna River.

The authorized discharge shall be in accordance with this cover  
page, Part I - Special Conditions, Part II - General Conditions.

  
\_\_\_\_\_  
Director, Department of Environmental Quality  
  
\_\_\_\_\_  
Date August 11, 1995

SPECIAL CONDITIONS

- A. The conditions and limitations specified in the application and the supplemental materials submitted by the owner shall be adhered to.
- B. The permittee shall employ measures to prevent spills of fuels or lubricants into State waters. The Department of Environmental Quality must be notified if spills do occur (804/527-5200).
- C. All construction and installation associated with the project shall be accomplished in such a manner that construction material or waste material is not to be discharged into State waters.
- D. The permittee shall advise the Director in writing when unusual or potentially complex conditions are encountered which require debris removal or involve potentially toxic substances, and shall not take measures to remove the obstruction, material, or toxic substance, or change the location of the structure until written approval by the Director or his authorized representative is received.
- E. This permit has a term of 10 years. This permit will need to be renewed. Reapplication must be made no less 180 days prior to the expiration date of this permit.
- F. The maximum instantaneous withdrawal from the Rivanna River shall not exceed 2683 gallons per minute.
- G. The maximum daily withdrawal from the Rivanna River shall not exceed 2.576 million gallons.
- H. The maximum annual withdrawal from The Rivanna River shall not exceed 400 million gallons.
- I. The permittee shall install a flow meter to record the volume of water withdrawn each day. Said meter shall be read and the volume of water withdrawn recorded on a daily basis at or about the same time each day.
- J. The permittee shall monitor the Rivanna River at Palmyra gage on a daily basis and whenever the Rivanna River at Palmyra gage is recording a daily streamflow of 300 cubic feet per second or less then the permittee shall withdraw the volume of water required for that day at a constant rate over a period of time not shorter than 12 hours.

- K. The permittee shall file an annual report to demonstrate compliance with the water withdrawal conditions G., H., I. and J. not later than January 31st covering the previous calendar year. Violations of any water withdrawal condition shall be reported within one week following discovery by the permittee.
- L. The reports referenced in condition K. shall contain the following information: the date and time of recording, the name of the person recording the measurement or reading and the volume of water withdrawn, the hours the pumps were withdrawing water and the streamflow of the Rivanna River at Palmyra gage. Furthermore, said report shall sum the amount of water withdrawn on each day to provide the annual amount of water withdrawn.

PART II - GENERAL CONDITIONS

A. Duty to Comply

The permittee shall comply with all conditions of the permit. Nothing in this permit shall be construed to relieve the permittee of the duty to comply with all applicable Federal and State statutes, regulations and toxic standards and prohibitions. Any permit non-compliance is a violation of the Clean Water Act and State Water Control Law, and is grounds for enforcement action, permit termination, revocation, modification, or denial of a permit renewal application.

B. Mitigation Requirements

The permittee shall take all reasonable steps to:

1. Avoid all adverse environmental impact which could result from the activity;
2. Where avoidance is impractical, minimize the adverse environmental impact; and
3. Where impacts cannot be avoided, provide mitigation of the adverse impact on an in kind basis.

C. Reopener

This permit may be reopened to modify the conditions of the permit to meet new regulatory standards duly adopted by the Board. Causes for reopening permits include, but are not limited to:

1. When State law prohibits conditions in a permit which are more stringent than an applicable effluent limitation guideline;
2. When subsequently promulgated effluent guidelines are modified, and are based on best conventional pollutant control technology; or
3. When the circumstances on which the previous permit was based have materially and substantially changed, or special studies conducted by the Department or the permittee show material and substantial change since the time the permit was issued and thereby constitute cause for permit modification or revocation and reissuance.

D. Change in Management of Pollutants

All discharges and other activities authorized by this permit shall be made in accordance with the terms and conditions of this permit. The permittee shall submit a new application 180 days prior to any proposed modification to their activity which will:

1. Result in a significantly new or substantially increased discharge of dredged or fill material, or a significant change in the nature of the pollutants; or
2. Violate or lead to the violation of the terms and conditions of the permit or the Water Quality Standards of the Commonwealth.

E. Duty to Halt or to Reduce Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

F. Compliance with State and Federal Law

Compliance with this permit constitutes compliance with the Virginia Water Protection Permit requirements of the State Water Control Law. Nothing in this permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other State law or regulation or under the authority preserved by Section 510 of the Clean Water Act.

G. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal property rights, nor any infringement of federal, state or local laws or regulations.

H. Severability

The provisions of this permit are severable.

I. Right of Entry

The permittee shall allow authorized state and federal

representatives, upon the presentation of credentials, at reasonable times and under reasonable circumstances:

1. To enter the permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the permit conditions;
2. To inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the permit;
3. To sample or monitor any substance, parameter or activity for the purpose of assuring compliance with the conditions of the permit or as otherwise authorized by law.

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

**J. Transferability of Permits**

This permit may be transferred to another person by a permittee if:

1. The current permittee notifies the Department of Environmental Quality 30 days prior to the proposed transfer of the title to the facility or property;
2. The notice of the proposed transfer includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department of Environmental Quality does not within the 30 day time period notify the existing permittee of the State Water Control Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

**K. Permit Modification**

The permittee shall notify the Department of Environmental Quality of any modification of this activity and shall demonstrate in a written statement to the Department that said modification will not violate any conditions of this permit.

If such demonstration cannot be made, the permittee shall apply for a modification of this permit. This permit may be modified when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of permit conditions that differ from those of the existing permit or are absent from it;
2. When new information becomes available about the operation or discharge covered by the permit which was not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance;
3. When a change is made in the promulgated standards or regulations on which the permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Clean Water Act;
5. When an effluent standard or prohibition for a toxic pollutant must be incorporated in the permit in accordance with provisions of Section 307(a) of the Clean Water Act;
6. When changes occur which are subject to "reopener clauses" in the permit;
7. When the Department of Environmental Quality determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use, the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to State Water Control Law Sections 62.1-242 through 253, during the term of the permit;
8. When the level of discharge of a pollutant not limited in the permit exceeds the level which can be achieved by available methodology for controlling such discharges;
9. When the permittee begins or expects to begin to cause the discharge of any toxic pollutant not reported in the application; or

10. When other states were not notified of the change in the permit and their waters may be affected by the discharge.

L. Permit Termination

This permit, after public notice and opportunity for a hearing, is subject to termination. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the permit;
2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by permit modification or termination; or
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge of dredged and fill material controlled by the permit.

M. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

N. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

O. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances, or,



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Part II

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2. Otherwise alter the physical, chemical, or biological properties of such state surface waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 95-0176 REG

**1. Article Addressed to:**

Greg Odell, State Mgr.  
Aqua Virginia, Inc.  
PO Box 6906  
2246 Dabney Rd., Ste. L  
Richmond, VA 23230

**2. Article Number**

(Transfer from service label)

7004 1160 0006 2730 6533

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

X

*Greg Odell*

☐ Agent

☐ Addressee

**B. Received by (Printed Name)**

*Greg Odell*

**C. Date of Delivery****D. Is delivery address different from item 1?**

☐ Yes

If YES, enter delivery address below:

☐ No

SEP 6 2003

**3. Service Type**

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

**4. Restricted Delivery? (Extra Fee)**

☐ Yes

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